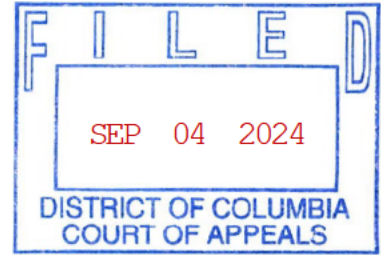


**District of Columbia  
Court of Appeals**



**No. 24-BG-0719**

IN RE JEFFREY B. CLARK, ESQUIRE,  
Respondent.

**BDN: 22-BD-39**  
**DDN: 2021-D193**

BEFORE: McLeese\* and Deahl, Associate Judges, and Steadman, Senior Judge.

**ORDER**

On consideration of Mr. Clark’s petition for interlocutory review of two orders by the Board on Professional Responsibility (“Board”), two orders by the Board’s Hearing Committee 12 (“Committee”), and the Committee’s August 1, 2024, report and recommendation that Mr. Clark be suspended for two years with reinstatement condition upon proof of fitness for violating D.C. R. Pro. Conduct 8.4(a) & (c); the Office of Disciplinary Counsel’s (“ODC’s”) motion to dismiss the petition, Mr. Clark’s opposition, and the reply thereto; and Mr. Clark’s D.C. App. R. 28(k) letter; it is

ORDERED that ODC’s motion to dismiss is granted and this petition is hereby dismissed. Mr. Clark claims that he is entitled to immunity from discipline in this proceeding based on *Trump v. United States*, 144 S. Ct. 2312 (2024) (addressing presidential immunity from criminal prosecution). Mr. Clark has not explained how *Trump* requires such a result, and we express no view on the merits of his claim at this juncture. The narrow question before us is whether Mr. Clark is entitled to immediate judicial review of the Board’s decision not to consider the merits of his immunity claim separate from, and prior to, any other claims of error that he elects to brief with the Board. Even if we were to assume without deciding that Mr. Clark would have been entitled to interlocutory review of his immunity claim before having to submit to an evidentiary hearing on the disciplinary charges, *Trump* was decided after the completion of both his evidentiary hearing and post-hearing briefing with the Committee. The Committee permitted Mr. Clark to raise his *Trump*-based immunity claim for the first time in a supplemental brief, it rejected the claim in its report and recommendation, and the matter is now pending the Board’s review. Thus, at this stage of the proceedings, granting immediate judicial review would avoid only the need to file legal briefs, and presumably participate in

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\* Judge McLeese would direct full briefing and argument.

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oral argument, before the Board. Mr. Clark does not cite, and we are not aware of, any authority supporting the idea that there is a right to immediate judicial review in such circumstances, whether in the context of a disciplinary proceeding or otherwise. *Cf. McNair Builders, Inc. v. Taylor*, 3 A.3d 1132, 1137 (D.C. 2010) (“The Supreme Court’s subsequent decision in *Will*, however, sharpened the threshold analysis for applying the collateral order doctrine by requiring that ‘some particular value of a high order’ must be ‘marshaled in support of the interest in avoiding trial.’ ‘That is, it is not mere avoidance of a trial, but avoidance of a trial that would imperil a substantial public interest, that counts when asking whether an order is “effectively” unreviewable if review is to be left until later.”) (quoting *Will v. Hallock*, 546 U.S. 345, 352-53 (2006)).

**PER CURIAM**

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